

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	<u>I N D I C T M E N T</u>
)	
Plaintiff,)	
)	
vs.)	
)	
)	
)	CR. NO. _____
MICHAEL D. MILLER,)	18 USC § 2
PAUL MONEA,)	18 USC § 1956(a)(3)(B)
)	18 USC § 1956(h)
Defendants.)	
_____)	

COUNT 1

The Grand Jury charges:

From at least as early as March 30, 2006, and continuing up to and including December 13, 2006, in the Northern District of Ohio, Eastern Division, the District of Nevada, and elsewhere, the defendants, MICHAEL D. MILLER and PAUL MONEA, and others, both known and unknown to the grand jury, did knowingly and intentionally combine, conspire, confederate, and agree together and with diverse others, both known and unknown, to knowingly and

intentionally conduct and attempt to conduct a series of financial transactions affecting interstate commerce, which transactions involved the proceeds from a specified unlawful activity, that is, conspiracy to distribute illegal narcotics and controlled substances, in violation of Title 21, United States Code, Section 846, possession of controlled substances with intent to distribute and distribution thereof, in violation of Title 21, United States Code, Sections 841 and 846, knowing that the transactions involved the proceeds of some form of specified unlawful activity: and (1) with the intent to promote the carrying on of the specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i); and (2) knowing that the transactions were designed in whole or in part to conceal the nature, location, source, ownership, or control of the proceeds of said unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); and (3) knowing that the transactions were designed in whole or in part to avoid a transaction reporting requirement under state or federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(ii).

WAYS, MANNER AND MEANS OF THE CONSPIRACY

It was part of the conspiracy that the defendant, PAUL MONEA, would offer certain of his assets, including an estate

located at 3737 State Route 534, Southington, Ohio, and a 43 carat diamond for sale to the highest bidder.

It was further part of the conspiracy that defendants, MICHAEL D. MILLER and PAUL MONEA, would present the diamond to a person they knew as John Rizzo, who was actually an agent of the Federal Bureau of Investigation working in an undercover capacity (hereinafter referred to as "UCE 3124"), and inquire if he or his associates would be interested in purchasing the diamond or the Southington, Ohio, estate.

It was further part of the conspiracy that all money received from UCE 3124 or his associates would be channeled through the client escrow account of defendant PAUL MONEA's attorney.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, the defendants and others performed the following overt acts:

1. On March 30, 2006, the defendants, MICHAEL D. MILLER and PAUL MONEA, along with another individual known to the grand jury (hereinafter referred to as "Dave"), took UCE 3124 to 3737 State Route 534, Southington, Ohio. There, defendant, PAUL MONEA, discussed the possibility of UCE 3124 investing money with him.

2. On October 10, 2006, defendants, MICHAEL D. MILLER and PAUL MONEA, met with UCE 3124 at Michael Miller Chevrolet, 869 Broad Street, Wadsworth, Ohio.

3. On October 10, 2006, at a lunch meeting, defendant, PAUL MONEA, showed UCE 3124 a "43 carat" diamond and said he would pay a commission if UCE 3124 found a buyer for the diamond.

4. On October 10, 2006, after defendant, PAUL MONEA, left a meeting, defendant, MICHAEL D. MILLER, and UCE 3124 discussed the diamond. MILLER assured UCE 3124 that the diamond was legitimate and advised that he was the Trustee of the Monea Family Trust, which actually owned the diamond.

5. On November 2, 2006, defendant, PAUL MONEA, and another person known to the grand jury, met with UCE 3124 at the Silverton Hotel, Las Vegas, Nevada. The three then traveled to the Venetian Hotel and Casino, also in Las Vegas, where they all met with another agent of the Federal Bureau of Investigation, who was then working in an undercover capacity (hereinafter referred to as "UCE 3247").

6. On November 2, 2006, UCE 3124 had a conversation with defendant, PAUL MONEA, during which UCE 3124 told PAUL MONEA that the people interested in the diamond were drug dealers. PAUL MONEA later stated that drug dealers often have legitimate businesses, and therefore, he would be selling to a businessman, "Okay, and he is paying me with legitimate money." Following

further discussion, MONEA stated to his companion, "Scott, you know how I am deaf in my left ear and my hearing aid battery comes and goes?" Later, MONEA said, "So anyhow, Scott, the point is, I don't have a problem doing any business with rug dealers, do you?" Scott replied, "Rug dealers? No, I love rug dealers."

7. On November 2, 2006, in Las Vegas, Nevada, defendant, PAUL MONEA, discussed the sale of the diamond with UCE 3247 and they reached an agreement whereby defendant, PAUL MONEA, would sell the diamond and the Southington, Ohio, estate to UCE 3247 in exchange for \$19,500,000.00 and a boat. UCE 3247 told defendant MONEA he would send someone to Ohio to inspect the diamond and the real estate.

8. Later, on November 2, 2006, defendant, PAUL MONEA, UCE 3124 and UCE 3247 met at the Prime Rib Loft at the Orleans Hotel and Casino in Las Vegas, Nevada. After dinner, UCE 3124 discussed with MONEA a commission he would receive for finding a buyer for the estate and the diamond. Defendant MONEA then stated he needed, "Good faith money" wired to his attorney's account. He provided wiring instructions to UCE 3124.

9. On November 6, 2006, UCE 3124 and defendant, PAUL MONEA, had a telephone conversation during which they discussed the "good faith money," and the possibility of opening a bank account that both UCE 3124 and defendant MONEA would control. MONEA stated that his (MONEA's) "attorney said, 'Paul, I can

guarantee you that if we go into a bank and open a new checking account with your friend's name on it and we wire \$500,000.00 to it, the FBI is going to be all over it like stink on sh-t,' and I'm quoting him." Defendant MONEA further stated that his attorney advised that a Suspicious Transaction Report would be filed if they deposit \$500,000.00. They then agreed that a \$100,000.00 deposit would be wired to defendant PAUL MONEA's attorney's escrow account.

10. On November 6, 2006, the defendant, MICHAEL D. MILLER, and UCE 3124 had a telephone conversation during which MILLER stated he was at the meeting with defendant, PAUL MONEA, and MONEA's attorney during which the wire transfer was discussed. Defendant MILLER indicated that the attorney would be able to fend off the questions regarding the money wire transfers from government authorities if the money was wired into his account.

11. On or about November 7, 2006, UCE 3124 read an e-mail sent by defendant, PAUL MONEA, which included instructions for wiring money to MONEA's attorney at Amer-Cunningham Co., L.P.A.-I.O.L.T.A., Account No. XXXX196, ABAXXXXXX124, National City Bank, Akron, Ohio.

12. On November 9, 2006, \$50,000.00 was wired to Amer-Cunningham Co., L.P.A.-I.O.L.T.A. Account No. XXXX196, ABAXXXXXX124, National City Bank, Akron, Ohio, per the instructions of defendant, PAUL MONEA.

13. On November 9, 2006, UCE 3124 and defendant, PAUL MONEA, had a telephone conversation during which MONEA was advised that \$50,000.00 had been wired to the attorney's account. MONEA then inquired about when the rest of the money would be wired.

14. On November 13, 2006, UCE 3124 and defendant, MICHAEL D. MILLER, had a telephone conversation during which they discussed the pending diamond transaction. They further discussed MICHAEL D. MILLER depositing money into UCE 3124's bank account in the near future.

15. On November 17, 2006, \$45,000.00 was wired to the Amer-Cunningham Co., L.P.A.-I.O.L.T.A Account No. XXXX196, ABAXXXXXX124, National City Bank, Akron, Ohio, per the instructions of PAUL MONEA.

16. On November 20, 2006, \$5,000.00 was wired to the Amer-Cunningham Co., L.P.A.-I.O.L.T.A. Account No. XXXX196, ABAXXXXXX124, National City Bank, Akron, Ohio, per the instructions of PAUL MONEA.

17. On December 13, 2006, the defendants, MICHAEL D. MILLER and PAUL MONEA, and others, met in the conference room of the law firm of Amer-Cunningham Co., L.P.A. in Akron, Ohio, with UCE 3124, a Special Agent of the Federal Bureau of Investigation operating in an undercover capacity, and a gem appraiser, for purposes of finalizing the sale of the diamond and the

Southington, Ohio, estate. During that meeting, the diamond was inspected by the gemologist, and there were general discussions about the transaction.

All in violation of Title 18, United States Code, Section 1956(h).

COUNT 2

The Grand Jury further charges:

On or about November 9, 2006, in the Northern District of Ohio, Eastern Division, and elsewhere, defendants, MICHAEL D. MILLER and PAUL MONEA, with the intent to conceal and disguise the nature, location, source, ownership, and control of property believed to be the proceeds of a specified unlawful activity, did knowingly conduct, attempt to conduct and caused to be conducted, a financial transaction affecting interstate or foreign commerce; that is, a wire transfer of \$50,000.00 to the Amer-Cunningham Co., L.P.A.-I.O.L.T.A. Account No. XXXX196, ABAXXXXXX124, National City Bank, Akron, Ohio, said financial transaction involving property represented by a law enforcement officer to be proceeds of a specified unlawful activity, to wit, distribution of controlled substances and conspiracy, in violation of Title 21, United States Code, Sections 841 and 846.

All in violation of Title 18, United States Code, Sections 1956(a) (3) (B) and 2.

COUNT 3

The Grand Jury further charges:

On or about November 17, 2006, in the Northern District of Ohio, Eastern Division, and elsewhere, defendants, MICHAEL D. MILLER and PAUL MONEA, with the intent to conceal and disguise the nature, location, source, ownership, and control of property believed to be the proceeds of a specified unlawful activity, did knowingly conduct, attempt to conduct and caused to be conducted, a financial transaction affecting interstate or foreign commerce; that is, a wire transfer of \$45,000.00 to the Amer-Cunningham Co., L.P.A.-I.O.L.T.A. Account No. XXXX196, ABAXXXXXX124, National City Bank, Akron, Ohio, said financial transaction involving property represented by a law enforcement officer to be proceeds of a specified unlawful activity, to wit, distribution of controlled substances, in violation of Title 21, United States Code, Sections 841 and 846.

All in violation of Title 18, United States Code, Sections 1956(a)(3)(B) and 2.

COUNT 4

The Grand Jury further charges:

On or about November 20, 2006, in the Northern District of Ohio, Eastern Division, and elsewhere, defendants, MICHAEL D. MILLER and PAUL MONEA, with the intent to conceal and disguise the nature, location, source, ownership and control of property

believed to be the proceeds of a specified unlawful activity, did knowingly conduct, attempt to conduct and caused to be conducted, a financial transaction affecting interstate or foreign commerce; that is, a wire transfer of \$5,000.00 to the Amer-Cunningham Co., L.P.A.-I.O.L.T.A. Account No. XXXX196, ABAXXXXXX124, National City Bank, Akron, Ohio, said financial transaction involving property represented by a law enforcement officer to be proceeds of a specified unlawful activity, to wit, distribution of controlled substances, in violation of Title 21, United States Code, Sections 841 and 846.

All in violation of Title 18, United States Code, Sections 1956(a)(3)(B) and (2).

FORFEITURE

The Grand Jury further charges:

A. The allegations of Counts 1 through 4 are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982. As a result of the foregoing offenses, the defendants, MICHAEL D. MILLER and PAUL MONEA, shall forfeit to the United States any and all property, real or personal, involved in such offenses and any property traceable to such property, including, but not limited to:

1. 43.51 Carat Modified Rectangular Brilliant Yellow Diamond Internally Flawless with Fancy Intense Grade, known as the "Golden Eye";

2. Real Property located at 3737 State Route 534, Southington, Ohio; and,
3. \$100,000.00 in U.S. Currency seized from National City Bank, Akron, Ohio, Account No. XXXX196.

B. Substitute Assets: In the event that any property subject to forfeiture pursuant to Title 18, United States Code, Section 982, as a result of any act or omission of the defendants:

1. cannot be located upon exercise of due diligence;
2. has been transferred or sold to, or deposited with a third party;
3. has been placed beyond the jurisdiction of this Court;
4. has been substantially diminished in value; or,
5. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18 United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants, up to an amount equivalent to the value of the property forfeitable under Section 982.

A TRUE BILL.

Original document -- Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.

United States v. Michael D. Miller and Paul Monea

A TRUE BILL.

FOREPERSON

GREGORY A. WHITE
UNITED STATES ATTORNEY